IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO.13810 of 2005

Between:

1. Smt.Harbans Kaur, W/o.late Sri S.Iqbal Singh, 90 years.
2. Ms Kuljeet Kaur, D/o.late Sri S.Iqbal Singh, 60 years.
3. Mrs.Gurjeet Kaur, D/o.late Sri Iqbal Singh and W/o.Dr.Mir Masood Ali, 58 years.
4. Smt.Kuwaljeet Kaur, D/o.late Sri Iqbal singh, W/o.late Sri P.P.Singh.
5. Sri S.Rajinder Singh, S/o.late Sri S.Iqbal Singh,53 years.

All are residents of C/o.Hind Motor Driving School at premises bearing No.5-9-96, Nampally, Hyderabad.

...PETITIONERS

AND

1. State of Andhra Pradesh, rep.by the Secretary, Minorities Welfare (Wakf-I) Department, Secretariat, Hyderabad.
2. The Special Deputy Collector, Land Acquisition (General), Government of A.P., Hyderabad.
3. A.P.Wakf Board, rep.by its Secretary, Nampally, Hyderabad.
4. Sri Mekhaninder Singh @ Manjeet Singh, S/o.late Sri S.Iqbal Singh, 70 years, R/o.6-3-623, Lakdikapool, Hyderabad.
5. A.Sudhakara Rao, S/o.A.V.Subba Rao, 62 years R/o.B-1-194, Saifabad, Hyderabad.

(R5 is impleaded as per Court order dated 08.07.2005 in W.P.M.P.No.18396 of 2005)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction in the nature of Mandamus of otherwise declaring the issuance of the Notifications under Section 4(1) and 6 of the Land Acquisition Act, 1894 which were published in the A.P. Gazette No.28 Extra Ordinary dated 30.05.2005 and A.P. Gazette No. 29 Extra Ordinary dated 31.05.2005 and the consequential notice issued to the 5th Petitioner herein under Section 9(1) of the Land Acquisition Act, 1894 bearing No.B/104-05 dated 15.06.2005 by the Respondents 1 to 3 is arbitrary, illegal and void of any public purpose and as such is not maintainable in law and consequently to declare them as such.

Counsel for the Petitioners: MR.B.DEEPAK SANCHETI

Counsel for the Respondent Nos.1 & 2: GP FOR LAND ACQUISITION

Counsel for the Respondent No.3: MR.A.M.QURESHI

Counsel for the Respondent No.5: MR.K.DURGA PRASAD

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO.13810 of 2005

ORDER:

The petitioners' grievance is that a notification dated 30.05.2005 under Section 4 (1) of the Land Acquisition act, 1894 ('the Act' for brevity) has been issued for acquiring an extent of 3551 square yards of the land in T.S.No.14, Block H, Ward 51, Pre No.5-9-96 at Nampally, Hyderabad for the purposes of the Haj House in the adjacent premises and the petitioners are shown as occupiers of the land. The respondents have invoked the urgency clause and dispensed with the Section 5 A Enquiry. The petitioners contended, *inter alia*, that there is no urgency justifying dispensing with the Section 5 A Enquiry.

All the respondents are conjoint in submitting at the hearing today that there could be no objection for holding such an enquiry.

Under the circumstances, the Writ Petition is disposed of directing the respondents to initiate the enquiry under Section 5 A of the Act, consider the objections of the petitioners and thereafter proceed with the acquisition proceedings in the light of the decision taken in the enquiry under Section 5 A of the Act. Consequent on this submission on behalf of the respondents, the notification under Section 6 of the Act published on 31.05.2005 and the subsequent Section 9 (1) notice dated 15.06.2005, are quashed. No costs.

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(GODA RAGHU RAM, J)

8th July 2005

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Secretary, State of Andhra Pradesh, Minorities Welfare (Wakf-I) Department, Secretariat, Hyderabad.
2. The Special Deputy Collector, Land Acquisition (General), Government of A.P., Hyderabad.
3. The Secretary, A.P.Wakf Board, Nampally, Hyderabad.
4. Two CCs to GP for Land Acquisition, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.